

## Message Text

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14

ACTION NEA-10

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 SCA-01 ORM-02 IO-11 /073 W

----- 023125

R 030645Z FEB 76

FM AMEMBASSY KATHMANDU

TO SECSTATE WASHDC 4139

INFO AMEMBASSY NEW DELHI

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E.O. 11652: N/A

TAGS: PINT, PFOR, IN, NP

SUBJ: NEPAL IMPLEMENTS NEW CITIZENSHIP REGULATIONS

1. HMG JANUARY 31 ANNOUNCED THAT IT HAS GRANTED CITIZENSHIP CERTIFICATES TO 113 FOREIGNERS RESIDING IN NEPAL. UNDER THE PROVISIONS OF THE CONSTITUTIONAL AMENDMENTS PROMULGATED IN DECEMBER, NEPALI CITIZENSHIP CAN BE BESTOWED ON FOREIGNERS PROVIDING THEY HAVE RESIDED WITHIN NEPAL FOR AT LEAST 15 YEARS AND CAN READ AND WRITE NEPALI. OF THE 113 PERSONS GIVEN CITIZENSHIP, 109 ARE OF INDIAN ORIGIN.

2. COMMENT: HOME MINISTRY OFFICIALS IN RECENT WEEKS HAVE UNDERTAKEN FAIRLY EXTENSIVE SURVEYS, NOT ONLY IN KATHMANDU BUT ALSO IN THE BORDER REGIONS OF THE TERAI, IN AN EFFORT TO DETERMINE THE CITIZENSHIP OF SETTLERS LIVING THERE. THE NEW REGULATIONS WERE RAISED BY THE GOVERNMENT OF INDIA DURING THE VISIT OF FOREIGN MINISTER CHAVAN. ON THE ONE HAND INDIA EXPRESSED CONCERN THAT THE NEW LAWS WOULD ALLOW INDIAN BUSINESSMEN LIVING IN NEPAL TO APPLY FOR CITIZENSHIP IN AN EFFORT TO CIRCUMVENT INDIAN TAX REGULATIONS. THEY WERE ALSO CONCERNED THAT THE LATEST HMG MOVE WAS BUT THE FIRST STEP TOWARD CONTROLLING THE INFLUX OF INDIAN SETTLERS INTO THE TERAI. IN ANNOUNCING THE IMPLEMENTATION OF THE

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REGULATIONS, PRO-GOVERNMENT NEWSPAPERS HAVE EMPHASIZED THAT

HMG WILL ADOPT A LIBERAL ATTITUDE TOWARD APPLICATIONS WHICH SHOULD "CAUSE NO APPREHENSION FROM ANY QUARTER." IN POINT OF FACT THE LAW HAS BEEN MADE MORE RESTRICTIVE AND NOW REQUIRES 15 YEARS' RESIDENCY, AS OPPOSED TO 12 IN THE PAST. WHILE IT MAY ASSIST LOCAL OFFICIALS TO DETERMINE THE NATIONALITY OF SETTLERS AND SQUATTERS IN THE BORDER REGIONS AND DETER SOME INDIANS FROM OWNING LAND IN THE AREA, IT WILL IN NO WAY AFFECT CONTINUED MIGRATION MADE POSSIBLE BY THE OPEN BORDER POLICY OF INDIA AND NEPAL. CITIZENSHIP AND FREEDOM OF MOVEMENT REMAINS AN IMPORTANT QUESTION FOR INDIA, WHICH ARGUES RIGHTFULLY THAT THERE ARE FAR MORE NEPALIS LIVING IN INDIA THAN INDIANS IN NEPAL. THE IMPLICATION OF THAT ARGUMENT IS THAT IF NEPAL DECIDES TO TAKE MEASURES TO HALT INWARD MIGRATION, INDIA COULD EASILY RETALIATE BY RESTRICTING MOVEMENT TO INDIA, AN IMPORTANT SAFETY VALVE FOR NEPAL'S GROWING POPULATION. CARGO

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